

LAW OFFICES OF
McGINN & GIBB, PLLC

A PROFESSIONAL LIMITED LIABILITY COMPANY
PATENTS, TRADEMARKS, COPYRIGHTS, AND INTELLECTUAL PROPERTY LAW
8321 OLD COURTHOUSE ROAD, SUITE 200
VIENNA, VIRGINIA 22182-3817
TELEPHONE: (703) 761-4100
FACSIMILE/DATA: (703) 761-2375; 761-2376
E-MAIL: MCGINNGIBB @ AOL.COM

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SEAN M. MCGINN
PHILLIP E. MILLER†
FREDERICK E. COOPERRIDER†
JAMES E. HOWARD†
JAMES N. DRESSER
JOHN J. DRESCH
SCOTT M. TULINO
†MEMBER OF BAR OTHER THAN VA

ANNAPOLIS, MD OFFICE
FREDERICK W. GIBB, III
MOHAMMAD S. RAHMANT
PAMELA M. RILEY†

December 13, 2004

VIA FACSIMILE

To: Examiner Christopher S. McCarthy
Group Art Unit: 2113
U.S.P.T.O.

Facsimile No.: (703) 872-9306

From: Scott M. Tulino

Facsimile No.: (703) 761-2375 or 76

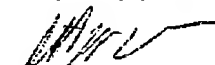
Re: Enclosed Amendment Under 37 CFR §1.116
U.S. Patent Application Serial No. 09/929,142
Docket No.: YOR920010068US1

Dear Examiner McCarthy:

Enclosed for filing is an Amendment in response to the Final Office Action mailed on October 12, 2004, which should place the above-referenced case in condition for allowance.

Thank you in advance for your kind consideration on this case.

Very truly yours,


Scott M. Tulino
Sean M. McGinn

SMT/SMM/geb
Enclosures
Total pages transmitted: 20

DEC 13 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Richard E. Harper, et al.

Serial No.: 09/929,142

Group Art Unit: 2113

Filed: August 15, 2001

Examiner: Christopher S. McCarthy

For: METHOD AND SYSTEM FOR REDUCTION OF SERVICE COSTS BY
DISCRIMINATION BETWEEN SOFTWARE AND HARDWARE ARE
INDUCED OUTAGES

Honorable Commissioner of Patents
Alexandria, VA 22313-1450
Box AF

AMENDMENT UNDER 37 C.F.R. §1.116

Sir:

In response to the Office Action dated October 12, 2004, please amend the above-identified application as follows:

INTRODUCTORY COMMENTS

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper. No new matter has been added.

Remarks begin on page 12 of this paper.